

V. DRAFT GENERAL PERMIT FOR COAL MINES

VIA CERTIFIED MAIL

Mr. John Q. Pyrite, President
FeS Coal Company, Inc.
C.R. 123 North
Coal City, Indiana 47000

Re: General NPDES No. IN G055990
Authorization No. IN 0048510
FeS Coal Company, Inc.
Fools Gold Mine #3
Coal City, Indiana

Dear Mr. Pyrite:

Your Notice of Intent (NOI) and application for inclusion under the General National Pollutant Discharge Elimination System (NPDES) Permit for coal mines (IN G055990) for authorization to discharge into Sulfur Creek and an unnamed tributary of Sulfur Creek has been processed in accordance with Sections 402 and 405 of the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251, et seq.), and the Indiana Environmental Management Act, as amended (IC 13-7, et seq.). The enclosed NPDES Permit covers your facility which surface mines coal and operates a coal preparation plant. All discharges from this facility shall be consistent with the terms and conditions of the attached general permit.

In your NOI and application for this permit, you requested authorization for 19 outfalls. The following is your authorization to discharge from the requested outfalls under general permit IN G055990:

| <u>Outfall(s)</u> | <u>Permit</u> | <u>Designation</u> | <u>Receiving Stream</u> |
|-------------------|----------------------|---------------------------------------------------|--------------------------------------|
| | <u>Authorization</u> | | |
| 001 & 002 | I.A.1 | New Source Undetermined | Sulfur Creek |
| 003 & 004 | I.A.2 | New Source Undetermined Coal Preparation Plant | Sulfur Creek |
| 005 & 006 | I.A.3 | New Source Alkaline | Sulfur Creek |
| 007 & 008 | I.A.4 | Existing Source Alkaline | Sulfur Creek |
| 009, 010, 011 | I.A.5 | New Source Acid | unnamed tributary of Sulfur Creek |
| 012, 013 | I.A.6 | Existing Source Acid | Sulfur Creek |
| 014, 015, 016 | I.A.7 | Initial Reclamation Area | unnamed tributary of Sulfur Creek |
| NONE | I.A.8 | Final Reclamation Area | --- |
| 017, 018, 019 | --- | Do not exist at this time | |

Mr. J. Q. Pyrite
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As long as the total number of outfalls does not exceed 19, outfalls may be deleted, added, or moved by minor modification. All that is required for application for such modification is a revised topographical map showing the location of the outfalls and a cover letter explaining the changes. All new outfalls with no previous designation will be classified as new source undetermined mine drainage.

One condition of your permit requires monthly reporting of several effluent parameters. Reporting is to be done on the enclosed discharge monitoring report form. We have included enough forms to establish a supply for approximately four months of reporting. Additionally, you will soon be receiving a supply of the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a monthly basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317/232-8808.

Another condition which needs to be clearly understood concerns violation of the effluent limitations in the permit. Exceeding the limitations constitutes a violation of the permit and may bring criminal or civil penalties upon the permittee. (See Part II, A.2.) It is very important that your office and treatment operator understand this part of the permit.

It should also be noted that any appeal must be filed under procedures outlined in IC 13-7-10-2.5, IC 4-21.5 and the enclosed Public Notice. The appeal must be initiated by filing with the Commissioner of the Department of Environmental Management a request for an adjudicatory hearing within 15 days of receipt of this letter. Please send a copy of any written appeal to me at the above address.

If you have any questions concerning your NPDES Permit, please contact Mr. Jim McCurdy of this office at AC 317/232-8709. Questions concerning appeal procedures should be directed to the Office of Legal Counsel, at 317/232-8493.

Sincerely,

Charles B. Bardonner
Assistant Commissioner
Office of Water Management

MWS

Enclosures

cc: Chief, Permits Section
U.S. EPA, Region 5
Owen County Health Department

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
GENERAL PERMIT FOR AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended by P.L. 92-500 and P.L. 95-217 (33 U.S.C. 1251 et seq., the "Act"), the Indiana Environmental Management Act, as amended, (IC 13-7, et. seq.), facilities engaged in the MINING OF COAL AND/OR COAL PROCESSING located in the State of Indiana, having wastewater discharges, and meeting the following applicability criteria, are authorized to discharge to waters of the state in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof:

All discharges from any facility subject to this permit shall meet all applicability criteria listed below. Persons wishing to discharge wastewaters to waters of the state which do not meet all of these applicability requirements shall apply for and receive an individual NPDES permit under IC 13-7.

1. This permit is applicable to discharges of undetermined mine drainage, undetermined coal preparation plant and associated areas drainage, alkaline mine drainage and coal preparation plant and associated areas drainage, acid mine drainage and coal preparation plant and associated areas drainage, and reclamation area drainage where application has been made for inclusion under this general permit and written authorization for such has been received by the discharger from IDEM.
2. This permit does not authorize discharges of pollutants in quantities which would be harmful to animal, plant or aquatic life. No pollutants shall be present in the discharge in toxic or hazardous quantities. No discharge is allowed which would violate Indiana Water Quality Standards (327 IAC 2-1) or promulgated Effluent Limitations Guidelines (40 CFR 434).

Effective Date: _____.

Expiration Date: _____ 1995.

In order to receive authorization to discharge beyond the above date of expiration, any party authorized to discharge under the terms of this permit shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Signed this ____ day of _____, 1990, for the Indiana Department of Environmental Management (IDEM).

Charles B. Bardonner
Assistant Commissioner
Office of Water Management

TREATMENT FACILITY CLASSIFICATION

The discharger has a Class A-SO industrial wastewater treatment plant, classified in accordance with 327 IAC 8-12, Classification of Water and Wastewater Treatment Plants.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, or until the performance bond has been totally released, or until the drainage area for a particular outfall becomes a reclamation area, whichever occurs first, the permittee is authorized to discharge from active mining areas designated as having NEW SOURCE UNDETERMINED MINE DRAINAGE through outfall(s) listed on the cover letter accompanying this permit. Such discharge shall be limited and monitored by the permittee as specified below:

Discharge Limitations

| <u>Effluent Characteristic</u> | <u>Daily Average Report</u> | <u>Daily Maximum Report</u> | <u>Units</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|------------------------------------|-------------------------------------|-------------------------------------|--------------|----------------------------------|------------------------|
| Flow | Report | Report | MGD | 2x Monthly | Instantaneous |
| Total Suspended Solids | 35 | 70 | mg/l | 2x Monthly | Grab |
| Total Iron | 3.0 | 6.0 | mg/l | 2x Monthly | Grab |
| Influent pH [1] | Report | Report | s.u. | Monthly | Grab |
| Influent Total Iron [1] | Report | Report | mg/l | Monthly | Grab |

[1] The above noted parameter(s) are to be monitored for a six month period to determine whether they are present in significant quantities. At the end of this sampling period, the permittee may request, in writing, a review of these requirements. Upon review by the IDEM, monitoring requirements may be deleted, if appropriate, without public notice or opportunity of hearing. Alternatively, the permit may be modified, after public notice and opportunity for hearing, to include effluent limitations for Total Manganese and effluent monitoring for Aluminum, Copper, Nickel, and Zinc.

- a. The pH shall not be less than 6 nor greater than 9. The pH shall be monitored as follows: by a grab sample taken twice each month. The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are sodium hydroxide, hydrated lime, calcined (unslaked or quick) lime, and/or soda ash.
- b. The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.

- c. The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
- d. The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.
- e. Samples taken in compliance with the monitoring requirements above shall be taken at a point representative of the discharge but prior to entry into the corresponding streams listed on the cover letter accompanying this permit.
- f. Where wastestreams from any area covered by this permit are combined for treatment or discharge through a single outfall with wastestreams from another area of a different type covered by this permit, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component wastestream of the discharge.
- g. The permittee shall take one sample during or immediately following a precipitation event every reporting period. A precipitation event shall be defined as a rainfall, snow melt or ice melt which causes a discharge or an increase in the volume of a discharge.

ALTERNATE EFFLUENT LIMITATIONS FOR PRECIPITATION EVENTS

- h. Any discharge or increase in the volume of a discharge, caused by precipitation within any 24 hour period less than or equal to the 10-year, 24-hour storm event may comply with the following limitations instead of the otherwise applicable limitations: pH is limited to the range of 6 to 9 and settleable solids are limited to a maximum concentration of 0.5 ml/l. If the precipitation event is greater than the 10-year, 24-hour storm, only pH is limited to the range of 6 to 9.
- i. The alternate limits for a precipitation event are not applicable to discharges which occur during dry weather base flow. Dry weather flow is defined in Part I.B.3.(f). The permittee must state on an attachment to the monthly reporting form which samples were taken under the storm exemption, the duration of the precipitation event, and the amount of precipitation during the event. Failure to submit the necessary information with the monitoring report will disqualify the discharger from utilizing the alternate effluent limitations.

2. During the period beginning on the effective date of this permit and lasting until the expiration date or until the performance bond has been totally released, or until the surface area of a particular outfall has become a reclamation area, whichever occurs first, the permittee is authorized to discharge from areas designated as having NEW SOURCE UNDETERMINED COAL PREPARATION PLANT AND ASSOCIATED AREAS drainage through outfall(s) listed on the cover letter accompanying this permit. Such discharge shall be limited and monitored by the permittee as specified below:

Discharge Limitations

| <u>Effluent Characteristic</u> | <u>Daily Average</u> | <u>Daily Maximum</u> | <u>Units</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|------------------------------------|--------------------------|--------------------------|--------------|----------------------------------|------------------------|
| Flow | Report | Report | MGD | Weekly | Instantaneous |
| Total Suspended Solids | 35 | 70 | mg/l | Weekly | Grab |
| Total Iron | 3.0 | 6.0 | mg/l | Weekly | Grab |
| Total Manganese[1] | 2.0 | 4.0 | mg/l | Weekly | Grab |
| Influent pH[1] | Report | Report | s.u. | Monthly | Grab |
| Influent Total Iron[1] | Report | Report | mg/l | Monthly | Grab |

[1] The above noted parameter(s) are to be monitored for a six month period to determine whether or not they are present in significant quantities. At the end of this sampling period, the permittee may request, in writing, a review of these requirements. Upon review by the IDEM, monitoring requirements may be deleted, if appropriate, without public notice or opportunity of hearing. Alternatively, the permit may be modified, after public notice and opportunity for hearing, to include effluent monitoring for Aluminum, Copper, Nickel, and Zinc.

- a. The pH shall not be less than 6 nor greater than 9. The pH shall be monitored as follows: by a grab sample taken twice monthly. The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are sodium hydroxide, hydrated lime, calcined (unslaked or quick) lime, and/or soda ash.
- b. The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.
- c. The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
- d. The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.

- e. Samples taken in compliance with the monitoring requirements above shall be taken at a point representative of the discharge but prior to entry into the corresponding streams listed on the cover letter accompanying this permit.
- f. Where wastestreams from any area covered by this permit are combined for treatment or discharge through a single outfall with wastestreams from another area of a different type covered by this permit, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component wastestream of the discharge.
- g. The permittee shall take one sample during or immediately following a precipitation event every reporting period. A precipitation event shall be defined as a rainfall, snow melt or ice melt which causes a discharge or an increase in the volume of a discharge.

ALTERNATE EFFLUENT LIMITATIONS FOR PRECIPITATION EVENTS

- h. The following alternate limitations apply to acid or ferruginous discharges from coal refuse disposal piles. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the one-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event may comply with the following limitations: settleable solids--0.5 ml/l is the daily maximum, and pH is limited to the range of six to nine.
- i. The following alternate limitations apply to acid or ferruginous noncontrolled surface drainage. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the two-year, 24-hour precipitation event may comply with the following limitations: total iron--7.0 mg/l is the daily maximum, settleable solids--0.5 ml/l is the daily maximum, and pH is limited to the range of six to nine. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the two-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event may comply with the following limitations: settleable solids--0.5 ml/l is the daily maximum, and pH is limited to the range of six to nine.
- j. The following alternate limitations apply to all types of discharges. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event may comply with following limitations: pH--6.0 to 9.0 at all times.

- k. The alternate limits for a precipitation event are not applicable to discharges which occur during dry weather base flow. Dry weather base flow is defined in Part I.B.3.(f). The permittee must state on an attachment to the monthly reporting form which samples were taken under the storm exemption, the duration of the precipitation event, and the amount of precipitation during the event. Failure to submit the necessary information with the monitoring report will disqualify the discharger from utilizing the alternate effluent limitations.
- l. The term "coal refuse disposal pile" means any coal refuse deposited on the earth and intended as a permanent disposal or long-term storage (greater than 180 days) of such material but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area. The term "controlled surface mine discharge" means any surface mine drainage that is pumped or siphoned from the active mining area.

3. During the period beginning on the effective date of this permit and lasting until the expiration date or until the performance bond has been totally released, or until the drainage area for a particular outfall becomes a reclamation area, whichever occurs first, the permittee is authorized to discharge from active mining areas designated as having NEW SOURCE ALKALINE mine drainage and/or coal preparation plant and associated areas drainage through outfall(s) listed in the cover letter accompanying this permit. Such discharge shall be limited and monitored by the permittee as specified below:

Discharge Limitations

| <u>Effluent Characteristic</u> | <u>Daily Average</u> | <u>Daily Maximum</u> | <u>Units</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|------------------------------------|--------------------------|--------------------------|--------------|----------------------------------|------------------------|
| Flow | Report | Report | MGD | 2 X Monthly | Instantaneous |
| Total Suspended Solids | 35 | 70 | mg/l | 2 X Monthly | Grab |
| Total Iron | 3.0 | 6.0 | mg/l | 2 X Monthly | Grab |

- The pH shall not be less than 6 nor greater than 9. The pH shall be monitored as follows: by a grab sample taken twice monthly. The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are sodium hydroxide, hydrated lime, calcined (unslaked or quick) lime, and/or soda ash.
- The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.
- The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
- The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.
- Samples taken in compliance with the monitoring requirements above shall be taken at a point representative of the discharge but prior to entry into the corresponding streams listed on the cover letter.
- Where wastestreams from any area covered by this permit are combined for treatment or discharge through a single outfall with wastestreams from another area of a different type covered by this permit, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component wastestream of the discharge.

- g. The permittee shall take one sample during or immediately following a precipitation event every reporting period. A precipitation event shall be defined as a rainfall, snow melt or ice melt which causes a discharge or an increase in the volume of a discharge.

ALTERNATE EFFLUENT LIMITATIONS FOR PRECIPITATION EVENTS

- h. Any discharge or increase in volume of a discharge, caused by precipitation within any 24 hour period less than or equal to the 10-year, 24-hour storm event may comply with the following limitations instead of the otherwise applicable limitations: pH is limited to the range of 6 to 9 and settleable solids are limited to a maximum concentration of 0.5 ml/l. If the precipitation event is greater than the 10-year, 24-hour storm, only pH is limited to the range of 6 to 9.
- i. The alternate limits for a precipitation event are not applicable to discharges which occur during dry weather base flow. Dry weather flow is defined in Part I.B.3.(f). The permittee must state on an attachment to the monthly reporting form which samples were taken under the storm exemption, the duration of the precipitation event, and the amount of precipitation during the event. Failure to submit the necessary information with the monitoring report will disqualify the discharger from utilizing the alternate effluent limitations.

4. During the period beginning on the effective date of this permit the expiration date or until the performance bond has been totally released, or until the surface area of a particular outfall has become a reclamation area, whichever occurs first, the permittee is authorized to discharge from active mining areas designated as having EXISTING SOURCE ALKALINE mine drainage and/or coal preparation plant and associated areas drainage through outfall(s) listed on the cover letter accompanying this permit. Such discharge shall be limited and monitored by the permittee as specified below:

Discharge Limitations

| <u>Effluent Characteristic</u> | <u>Daily Average</u> | <u>Daily Maximum</u> | <u>Units</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|------------------------------------|--------------------------|--------------------------|--------------|----------------------------------|------------------------|
| Flow | Report | Report | MGD | 2x Monthly | Instantaneous |
| Total Suspended Solids | 35 | 70 | mg/l | 2x Monthly | Grab |
| Total Iron | 3.5 | 7.0 | mg/l | 2x Monthly | Grab |

- a. The pH shall not be less than 6 nor greater than 9. The pH shall be monitored as follows: by a grab sample taken twice each month. The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are sodium hydroxide, hydrated lime, calcined (unslaked or quick) lime, and/or soda ash.
- b. The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.
- c. The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
- d. The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.
- e. Samples taken in compliance with the monitoring requirements above shall be taken at a point representative of the discharge but prior to entry into the corresponding streams listed on the cover letter accompanying this permit.

- f. Where wastestreams from any area covered by this permit are combined for treatment or discharge through a single outfall with wastestreams from another area of a different type covered by this permit, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component wastestream of the discharge.
- g. The permittee shall take one sample during or immediately following a precipitation event every reporting period. A precipitation event shall be defined as a rainfall, snow melt or ice melt which causes a discharge or an increase in the volume of a discharge.

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- i. The alternate limits for a precipitation event are not applicable to discharges which occur during dry weather base flow. Dry weather flow is defined in Part I.B.3.(f). The permittee must state on an attachment to the monthly reporting form which samples were taken under the storm exemption, the duration of the precipitation event, and the amount of precipitation during the event. Failure to submit the necessary information with the monitoring report will disqualify the discharger from utilizing the alternate effluent limitations.

5. During the period beginning on the effective date of this permit and lasting until the expiration date or until the performance bond has been totally released, or until the surface area of a particular outfall has become a reclamation area, whichever occurs first, the permittee is authorized to discharge from active mining areas designated as having NEW SOURCE ACID mine drainage and/or coal preparation plant and associated areas drainage through outfall(s) listed on the cover letter accompanying this permit. Such discharge shall be limited and monitored by the permittee as specified below:

Discharge Limitations

| <u>Effluent Characteristic</u> | <u>Daily Average</u> | <u>Daily Maximum</u> | <u>Units</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|------------------------------------|--------------------------|--------------------------|--------------|----------------------------------|------------------------|
| Flow | Report | Report | MGD | Weekly | Instantaneous |
| Total Suspended Solids | 35 | 70 | mg/l | Weekly | Grab |
| Total Iron | 3.0 | 6.0 | mg/l | Weekly | Grab |
| Total Manganese | 2.0 | 4.0 | mg/l | Weekly | Grab |
| Total Aluminum [1] | Report | Report | mg/l | Monthly | Grab |
| Total Copper [1] | Report | Report | mg/l | Monthly | Grab |
| Total Nickel [1] | Report | Report | mg/l | Monthly | Grab |
| Total Zinc [1] | Report | Report | mg/l | Monthly | Grab |

[1] The above noted parameter(s) are to be monitored for one year to determine whether or not they are present in significant quantities. At the end of this sampling period, the permittee may request, in writing, a review of these requirements. Upon review by the IDEM, monitoring requirements may be deleted, if appropriate, without public notice or opportunity of hearing. Alternatively, if any of the above noted pollutants are found to be present in significant quantities, the permittee will be required to apply for an individual NPDES permit which will include appropriate effluent limitations for each pollutant which was found to be present in significant quantities. The samples for the above noted parameters should be taken during a precipitation event. All of the analysis results of the above noted parameters shall be reported on the monthly discharge monitoring reports.

- a. The pH shall not be less than 6 nor greater than 9. The pH shall be monitored as follows: by a grab sample taken once each week. The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are sodium hydroxide, hydrated lime, calcined (unslaked or quick) lime, and/or soda ash.
- b. The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.

- c. The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
- d. The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.
- e. Samples taken in compliance with the monitoring requirements above shall be taken at a point representative of the discharge but prior to entry into the corresponding streams listed on the cover letter.
- f. Where wastestreams from any area covered by this permit are combined for treatment or discharge through a single outfall with wastestreams from another area of a different type covered by this permit, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component wastestream of the discharge.
- g. The permittee shall take one sample during or immediately following a precipitation event every reporting period. A precipitation event shall be defined as a rainfall, snow melt or ice melt which causes a discharge or an increase in the volume of a discharge.

ALTERNATE EFFLUENT LIMITATIONS FOR PRECIPITATION EVENTS

- h. The following alternate limitations apply to acid or ferruginous discharges from coal refuse disposal piles. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the one-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event may comply with the following limitations: settleable solids--0.5 ml/l is the daily maximum, and pH is limited to the range of six to nine.
- i. The following alternate limitations apply to acid or ferruginous noncontrolled surface drainage. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the two-year, 24-hour precipitation event may comply with the following limitations: total iron--7.0 mg/l is the daily maximum, settleable solids--0.5 ml/l is the daily maximum, and pH is limited to the range of six to nine. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the two-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event may comply with the following limitations: settleable solids--0.5 ml/l is the daily maximum, and pH is limited to the range of six to nine.
- j. The following alternate limitations apply to all types of discharges. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event may comply with following limitations: pH--6.0 to 9.0 at all times.

- k. The alternate limits for a precipitation event are not applicable to discharges which occur during dry weather base flow. Dry weather base flow is defined in Part I.B.3.(f). The permittee must state on an attachment to the monthly reporting form which samples were taken under the storm exemption, the duration of the precipitation event, and the amount of precipitation during the event. Failure to submit the necessary information with the monitoring report will disqualify the discharger from utilizing the alternate effluent limitations.
- 1. The term "coal refuse disposal pile" means any coal refuse deposited on the earth and intended as a permanent disposal or long-term storage (greater than 180 days) of such material but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area. The term "controlled surface mine discharge" means any surface mine drainage that is pumped or siphoned from the active mining area.

6. During the period beginning on the effective date of this permit and lasting until the expiration date or until the performance bond has been totally released, or until the surface area of a particular outfall has become a reclamation area, whichever occurs first, the permittee is authorized to discharge from active mining areas designated as having EXISTING SOURCE ACID mine drainage and/or coal preparation plant and associated areas drainage through outfall(s) listed on the cover letter accompanying this permit. Such discharge shall be limited and monitored by the permittee as specified below:

Discharge Limitations

| <u>Effluent Characteristic</u> | <u>Daily Average</u> | <u>Daily Maximum</u> | <u>Units</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|------------------------------------|--------------------------|--------------------------|--------------|----------------------------------|------------------------|
| Flow | Report | Report | MGD | Weekly | Instantaneous |
| Total Suspended Solids | 35 | 70 | mg/l | Weekly | Grab |
| Total Iron | 3.5 | 7.0 | mg/l | Weekly | Grab |
| Total Manganese | 2.0 | 4.0 | mg/l | Weekly | Grab |
| Total Aluminum [1] | Report | Report | mg/l | Monthly | Grab |
| Total Copper [1] | Report | Report | mg/l | Monthly | Grab |
| Total Nickel [1] | Report | Report | mg/l | Monthly | Grab |
| Total Zinc [1] | Report | Report | mg/l | Monthly | Grab |

[1] The above noted parameter(s) are to be monitored for one year to determine whether or not they are present in significant quantities. At the end of this sampling period, the permittee may request, in writing, a review of these requirements. Upon review by the IDEM, monitoring requirements may be deleted, if appropriate, without public notice or opportunity of hearing. Alternatively, if any of the above noted pollutants are found to be present in significant quantities, the permittee will be required to apply for an individual NPDES permit which will include appropriate effluent limitations for each pollutant which was found to be present in significant quantities. The samples for the above noted parameters shall be taken during a precipitation event. All of the analysis results of the above noted parameters shall be reported on the monthly discharge monitoring reports.

- a. The pH shall not be less than 6 nor greater than 9. The pH shall be monitored as follows: by a grab sample taken once each week. The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are sodium hydroxide, hydrated lime, calcined (unslaked or quick) lime, and/or soda ash.
- b. The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.

- c. The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
- d. The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.
- e. Samples taken in compliance with the monitoring requirements above shall be taken at a point representative of the discharge but prior to entry into the corresponding streams listed on the cover letter accompanying this permit.
- f. Where wastestreams from any area covered by this permit are combined for treatment or discharge through a single outfall with wastestreams from another area of a different type covered by this permit, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component wastestream of the discharge.
- g. The permittee shall take one sample during or immediately following a precipitation event every reporting period. A precipitation event shall be defined as a rainfall, snow melt or ice melt which causes a discharge or an increase in the volume of a discharge.

ALTERNATE EFFLUENT LIMITATIONS FOR PRECIPITATION EVENTS

- h. The following alternate limitations apply to acid or ferruginous discharges from coal refuse disposal piles. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the one-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event may comply with the following limitations: settleable solids--0.5 ml/l is the daily maximum, and pH is limited to the range of six to nine.
- i. The following alternate limitations apply to acid or ferruginous noncontrolled surface drainage. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the two-year, 24-hour precipitation event may comply with the following limitations: total iron--7.0 mg/l is the daily maximum, settleable solids--0.5 ml/l is the daily maximum, and pH is limited to the range of six to nine. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the two-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event may comply with the following limitations: settleable solids--0.5 ml/l is the daily maximum, and pH is limited to the range of six to nine.
- j. The following alternate limitations apply to all types of discharges. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event may comply with following limitations: pH--6.0 to 9.0 at all times.

- k. The alternate limits for a precipitation event are not applicable to discharges which occur during dry weather base flow. Dry weather base flow is defined in Part I.B.3.(f). The permittee must state on an attachment to the monthly reporting form which samples were taken under the storm exemption, the duration of the precipitation event, and the amount of precipitation during the event. Failure to submit the necessary information with the monitoring report will disqualify the discharger from utilizing the alternate effluent limitations.
- 1. The term "coal refuse disposal pile" means any coal refuse deposited on the earth and intended as a permanent disposal or long-term storage (greater than 180 days) of such material but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area. The term "controlled surface mine discharge" means any surface mine drainage that is pumped or siphoned from the active mining area.

7. During the period beginning when the surface area of the mine has been returned to the required contour and on which revegetation work has commenced and lasting until the expiration date or until the performance bond has been totally released, or until the surface area of the mine has been revegetated (this corresponds to 85% bond release), whichever occurs first, the permittee is authorized to discharge from mining areas designated as having INITIAL RECLAMATION AREA mine drainage through the outfall(s) listed in the cover letter accompanying this permit. Such discharge shall be limited and monitored by the permittee as specified below:

Discharge Limitations

| <u>Effluent Characteristic</u> | <u>Daily Average</u> | <u>Daily Maximum</u> | <u>Units</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|------------------------------------|--------------------------|--------------------------|--------------|----------------------------------|------------------------|
| Flow | Report | Report | MGD | 4 X Yearly[1] | Instantaneous |
| Settleable Solids | Report | 0.5 | ml/l | 4 X Yearly[1] | Grab |

- [1] During the period from March 1st to June 30th, the monitoring frequency shall be once every month. At all other times the sampling frequency shall be once every three months. It is the responsibility of the permittee to inform the Permits Section of the Office of Water Management of the reclamation area status.
- The pH shall not be less than 6 nor greater than 9. The pH shall be monitored as follows: by a grab sample taken once each reporting period. The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are sodium hydroxide, hydrated lime, calcined (unslaked or quick) lime, and/or soda ash.
 - The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.
 - The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
 - The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.
 - Samples taken in compliance with the monitoring requirements above shall be taken at a point representative of the discharge but prior to entry into the corresponding streams listed in the cover letter.

- f. Where wastestreams from any area covered by this permit are combined for treatment or discharge through a single outfall with wastestreams from another area of a different type covered by this permit, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component wastestream of the discharge.
- g. The permittee shall take one sample during or immediately following a precipitation event every reporting period. A precipitation event shall be defined as a rainfall, snow melt or ice melt which causes a discharge or an increase in the volume of a discharge.

ALTERNATE EFFLUENT LIMITATIONS FOR PRECIPITATION EVENTS

- h. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour storm event may comply with the following limitations instead of the otherwise applicable limitations: pH is limited to the range of 6 to 9. These alternate limitations are applicable to any treatment facility. The alternate limits for a precipitation event are not applicable to discharges which occur during dry weather base flow. Dry weather base flow is defined in Part I.B.3.(f). The permittee must state on an attachment to the monthly reporting form which samples were taken under the storm exemption, the duration of the precipitation event, and the amount of precipitation during the event. Failure to submit the necessary information with the monitoring report will disqualify the discharger from utilizing the alternate effluent limitations.

8. During the period beginning when the surface area of the mine has been revegetated (this corresponds to 85% bond release) and lasting until the expiration date or until the performance bond has been totally released, the permittee is authorized to discharge from FINAL RECLAMATION AREAS through outfall(s) listed on the cover letter accompanying this permit. Such discharge shall be limited and monitored by the permittee as specified below:

Discharge Limitations

| <u>Effluent Characteristic</u> | <u>Daily Average</u> | <u>Daily Maximum</u> | <u>Units</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|------------------------------------|--------------------------|--------------------------|--------------|----------------------------------|------------------------|
| Flow | Report | Report | MGD | 1 X 6 Months | Instantaneous |
| Settleable Solids | Report | 0.5 | ml/l | 1 X 6 Months | Grab |

- a. The pH shall not be less than 6 nor greater than 9. The pH shall be monitored as follows: by a grab sample taken once every six months. The pH of the water contained in any water pollution treatment/control facility cannot be adjusted by the use of anhydrous ammonia. The only approved water treatment additives for pH adjustment are sodium hydroxide, hydrated lime, calcined (unslaked or quick) lime, and/or soda ash.
- b. The discharge shall not cause excessive foam in the receiving waters. The discharge shall be essentially free of floating and settleable solids.
- c. The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
- d. The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.
- e. Samples taken in compliance with the monitoring requirements above shall be taken at a point representative of the discharge but prior to entry into the corresponding streams listed on the cover letter accompanying this permit.

- f. Where wastestreams from any area covered by this permit are combined for treatment or discharge through a single outfall with wastestreams from another area of a different type covered by this permit, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component wastestream of the discharge.
- g. The permittee shall take one sample during or immediately following a precipitation event every reporting period. A precipitation event shall be defined as a rainfall, snow melt or ice melt which causes a discharge or an increase in the volume of a discharge.

ALTERNATE EFFLUENT LIMITATIONS FOR PRECIPITATION EVENTS

- h. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour storm event may comply with the following limitations instead of the otherwise applicable limitations: pH is limited to the range of 6 to 9. These alternate limitations are applicable to any treatment facility. The alternate limits for a precipitation event are not applicable to discharges which occur during dry weather base flow. Dry weather base flow is defined in Part I.B.3.(f). The permittee must state on an attachment to the monthly reporting form which samples were taken under the storm exemption, the duration of the precipitation event, and the amount of precipitation during the event. Failure to submit the necessary information with the monitoring report will disqualify the discharger from utilizing the alternate effluent limitations.

B. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Reporting

The permittee shall submit monitoring reports (DMR-1 Form) to the Indiana Department of Environmental Management containing results obtained during the previous month and shall be postmarked no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective.

If there is to occur a substantial period of time during which there will be no discharge from an authorized outfall, then the permittee may submit a written request to the Indiana Department of Environmental Management for relief from reporting requirements. The Indiana Department of Environmental Management may then suspend reporting requirements without public notice or opportunity for public hearing.

The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance of the permit.

3. Definitions

a. Daily Average

- (1) Weight Basis - The "daily average" discharge means the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was discharging. Where less than daily sampling is required by this permit, the daily average discharge shall be determined by the summation of the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.
- (2) Concentration Basis - The "daily average" concentration means the arithmetic average (proportional to flow) of all daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.

b. "Daily Maximum" Discharge

- (1) Weight Basis - The "daily maximum" discharge means the total discharge by weight during any calendar day.
- (2) Concentration Basis - The "daily maximum" concentration means the daily determination of concentration for any calendar day.

c. Concentration--The weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this permit, concentration values shall be expressed in milligrams per liter (mg/l).

d. The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 230 South Dearborn Street, Chicago, Illinois 60604.

e. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management. The Department is located at the following address: 105 South Meridian Street, Indianapolis, Indiana 46225.

f. Dry weather base flow is the normal "base flow" coming from an area or treatment facility which is not immediately affected by runoff caused by rainfall. This flow is a result of groundwater interference or a build-up of rainwater over a long period of time. Alternate limitations apply when this dry weather flow increases due to a precipitation event and continues until the flow again returns to the dry weather rate, which is generally no more than 24 hours after the rain stops.

4. Test Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136. The approved methods may be included in the tests listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the state agency and the U.S. Environmental Protection Agency.

- (1) Standard Methods for the Examination of Water and Wastewater 16th Edition, 1985, American Public Health Association, Washington, D.C. 20005.
- (2) A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis 1972 American Society for Testing and Materials, Philadelphia, Pennsylvania 19103.
- (3) Methods for Chemical Analysis of Water and Wastes June 1974, Revised March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, Ohio 45202.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

6. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer, if requested by the Regional Administrator or the Indiana Department of Environmental Management.

PART II
STANDARD CONDITIONS FOR NPDES PERMITS
FOR INDUSTRIAL FACILITIES

SECTION A. GENERAL CONDITIONS

1. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Indiana Environmental Management Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

Pursuant to the Indiana Environmental Management Act, any person who violates a permit condition implementing sections 301, 302, 306, 307, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year or both. If the conviction is for a violation committed after a first conviction of such person under this provision, punishment shall be a fine of not more than fifty thousand dollars (\$50,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

Except as provided in permit conditions on "Bypassing," Section B, Paragraph 2 and "Upsets," Section B, Paragraph 3, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

4. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of (i) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (ii) a notification of planned changes or anticipated noncompliance does not stay any permit condition.

5. Duty to Provide Information

The permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.

6. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit. The Commissioner may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

7. Transfers

This permit is nontransferable to any person except after notice to the Commissioner pursuant to Regulation 327 IAC 5-2-6(c). The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

8. Toxic Pollutants

Notwithstanding Paragraph A-4, above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants injurious to human health within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

9. Containment Facilities

When cyanide or cyanogen compounds are used in any of the processes at this facility, the permittee shall provide approved facilities for the containment of any losses of these compounds in accordance with the requirements of Water Pollution Control Board Regulation 327 IAC 2-2-1.

10. Operator Certification

The permittee shall have the waste treatment facilities under the direct supervision of an operator certified by the Commissioner as required by IC 13-1-6.

11. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

12. Property Rights

The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or an invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

13. Severability

The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

14. Inspection and Entry

The permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

15. Construction Permit

The permittee shall not construct, install, or modify any water pollution control facility without a valid construction permit issued by the Indiana Department of Environmental Management pursuant to 327 IAC 3-2.

SECTION B. MANAGEMENT REQUIREMENTS

1. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and efficiently operate all facilities and systems for wastewater collection and treatment which are installed or used by the permittee and which are necessary for achieving compliance with the terms and conditions of this permit in accordance with 327 IAC 5-2-8.

2. Bypass of Treatment Facilities

a. Definitions:

- (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility normally utilized for treatment of the waste stream.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production at the permittee's facility.

b. (Prohibition of Bypass) Bypass which causes or is likely to cause applicable effluent limitations to be exceeded is prohibited unless the following three conditions are met:

- (1) Bypass is unavoidable to prevent loss of life, personal injury or severe property damage;
- (2) There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal period of equipment down-time; and
- (3) The permittee submits notice of an unanticipated bypass to the Commissioner within 24 hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). Where the permittee knows or should have known in advance of the need for a bypass, this prior notification shall be submitted for approval to the Commissioner, if possible, at least ten days before the date of the bypass.

c. An anticipated bypass which meets the three criteria of Paragraph b of this subsection may be allowed under conditions determined to be necessary by the Commissioner to minimize any adverse effects.

3. Upset Conditions

- a. Definition: "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. (Effect of an upset) An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this subsection are met.
- c. (Conditions necessary for a demonstration of upset) A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
 - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset, if possible;
 - (2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures; and
 - (3) The permittee complied with any remedial measures required under Paragraph A.3 of this Part.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

SECTION C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by advance notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part I.B.2.

3. Compliance Schedules

Reports of compliance or noncompliance with interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

4. Twenty-Four Hour Reporting

The permittee shall report information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Commissioner in the permit to be reported within 24 hours; and
- c. Any noncompliance which may pose a significant danger to human health or the environment.

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

5. Other Noncompliance

The permittee shall report any instance of noncompliance not reported under Paragraph 3 or 4 of this Section at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in Paragraph 4 of this Section.

6. Other Information

Where the permittee becomes aware that he failed to submit any relevant facts or submitted incorrect information in a permit application or in any report to the Commissioner, the permittee shall promptly submit such facts or corrected information.

7. Changes in Discharge of Toxic Substances

The permittee shall notify the Commissioner as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge of any pollutant identified as toxic, pursuant to Section 307(a) of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established in Part III of the permit by the Commissioner.
- b. That it has begun or expects to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

8. Signatory Requirements

- a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:
 - (1) For a corporation: by a principal executive defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making functions for the corporation or the manager of one or more manufacturing, production, or operating facilities employing more than two

hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a Federal, State, or local governmental body or an agency or political subdivision thereof: by either a principal executive officer or ranking elected official.
- b. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above.
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - (3) The authorization is submitted to the Commissioner.
- c. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

9. Availability of Reports

Except for data determined to be confidential under Water Pollution Control Board Regulation 327 IAC 12, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

10. Penalties for Falsification of Reports

The Indiana Environmental Management Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

1034B 4/4/90

STATE OF INDIANA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) PERMIT PROGRAM

FACT SHEET

for

A Draft General NPDES Permit to Discharge into Waters of the State
Proposed to be Issued by the:

Indiana Department of Environmental Management
105 South Meridian Street
Indianapolis, IN 46225

Public Notice No.:

Public Notice Issued on:

Applicants:

Those coal mining operations which hold valid permits issued by the Indiana Department of Natural Resources, Division of Reclamation, Permits Section under IC 13-4.1 of the Indiana Revised Statutes and Chapter 12 of Title 310 of the Indiana Administrative Code Regulations.

Receiving Water: Described on Page 6 of this Fact Sheet.

Use Classification: The receiving water is classified for warmwater aquatic life and full body contact recreation.

I. Tentative Decision on the Application

The above applicants have applied or may apply for inclusion under a general NPDES Permit to discharge wastewaters into the above-described receiving water. The NPDES Permit program is administered by the Indiana Department of Environmental Management pursuant to Sec. 402(b) of the Federal Clean Water Act, as amended, the Indiana Environmental Management Act, as amended (IC 13-7), and Rule 327 IAC 5. The Commissioner has examined the application and has developed a draft permit which is proposed to be issued subject to concurrence of the U.S. Environmental Protection Agency. Principal provisions of the draft permit, including effluent limitations, and other pertinent information, are outlined below.

II. Location of Discharge

A description and/or sketch of the location of the general permit area is appended as Attachment I.

III. Description of Existing Discharge

A quantitative description of the discharge types in terms of significant effluent parameters is appended as Attachment II.

IV. Description of Effluent Limitations and Effluent Limitations Rationale

- A. The effluent limitations in the draft permit as well as monitoring requirements, and special conditions are described in Attachment III. Also included is an effluent limitations rationale which provides the basis for each limitation or condition.
- B. The other special conditions in the proposed permit may include, but are not necessarily limited to: monitoring, recording, and reporting discharges; limiting discharges of oil, hazardous substances, collected solids, visible floating solids, foams, and effluent batch discharges; planning for electric power failure and spill prevention and containment; and prohibiting bypass of treatment facilities. Persons wishing further information about the special conditions may contact the Indiana Department of Environmental Management.

V. Procedures for the Formulation of Final Determination

- A. Interested persons are invited to submit written comments upon the proposed general permit. Comments should be submitted in person or by mail no later than 30 days after the date of the public notice was issued for the permit application. Deliver or mail all comments to:

Indiana Department of Environmental Management
Permits Section
Office of Water Management
105 South Meridian Street
Indianapolis, IN 46225

The general permit and public notice numbers should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than 30 days after the public notice is issued will be considered in the formulation of final determinations. The Indiana Department of Environmental Management will issue final determinations in a timely manner after the expiration of the public comment period.

- B. If written comments indicate a significant public interest in the application, the Commissioner of the Indiana Department of Environmental Management shall hold a public hearing on the application. If held, the public hearing will be designed to collect relevant information pertaining to the application in an orderly and expeditious manner. Public notice of a public hearing will be circulated at least 30 days in advance of such event. The public hearing will be held within the State of Indiana. After the public hearing, the Commissioner of the Indiana Department of Environmental Management will formulate her final determination. Further information regarding the conduct and nature of the public hearings concerning discharge permits may be obtained by contacting the Indiana Department of Environmental Management.

Requests for a public hearing should: state the name and address of the person requesting the hearing and of any person represented at the hearing by the requester; identify the interest in the proposed permit of the requester and of any person represented by him; state the reasons for the request; state the issues proposed to be considered at the hearing; and state the position of the requester on the issues to be considered at the hearing.

VI. Staff Contact and Availability of Information

Additional information concerning the draft permit or permit issuance procedures may be obtained between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday from:

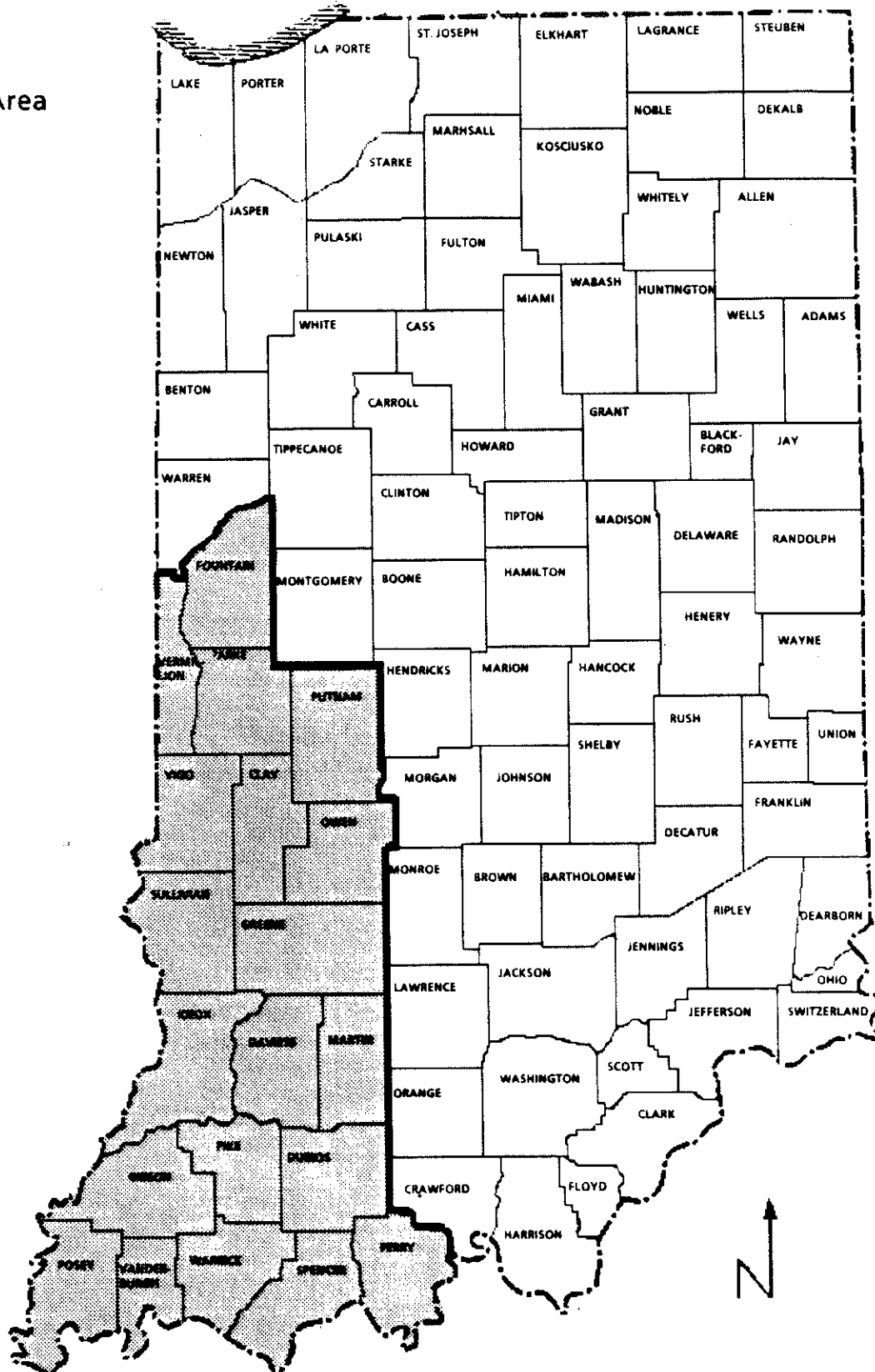
Mr. Jim McCurdy at 317/232-8709

Copies of the application, proposed permit including proposed effluent limitations, special conditions, comments received, and other documents are available for inspection and may be copied at a cost of 15 cents per page at the Indiana Department of Environmental Management, Room 714, 105 South Meridian Street, Indianapolis, Indiana.

Attachment I



General
Permit Area



Attachment II

Description of Discharges

General

1. Synopsis of Application of General Permit

a. Facility Location

Within the political and geographic boundries of the following counties of the State of Indiana: Vermillion, Fountain, Parke, Putnam, Vigo, Clay, Owen, Sullivan, Greene, Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Spencer, and Perry.

b. Description of Applicant's Operation

The extraction of coal and/or the processing of coal and/or the reclamation of a coal mine or coal processing operation. Operations involved in the storage and/or transport of coal which are not directly associated with a coal mining and/or a coal processing operation are not eligible for this permit.

c. Description of Wastewater Treatment

Sedimentation plus the addition of sodium hydroxide, hydrated lime, calcined (unslaked or quick) lime and/or soda ash as needed.

d. Permitting Action

Initial issuance of a General Permit for coal mining and/or coal processor and/or reclamation coal mining activities in the State of Indiana. There are currently approximately 234 such operations in the State of Indiana which may qualify for inclusion under this general permit. Facilities which are currently permitted by an individual NPDES permit, or new dischargers, may apply for inclusion under this general permit at the time of application for renewal or intital NPDES permit application by including a statement regarding their Notice of Intent to be included with their application.

2. Receiving Water

a. Receiving Water Name

Those waters of the state that comprise the Ohio River basin, the Patoka River basin, the White River basin, the Wabash River basin, and subbasins within the political and geographical confines of the Counties of the State of Indiana listed in 1. a. above (primarily the South West one fourth of the state).

b. Stream Segment Use Designation

Warmwater Aquatic Life and Full-Body Contact Recreation.

c. Stream Low Flow Condition

The Q_{7,10} low flows of the various receiving streams in the general permit area range from zero for the smallest of streams to 981 cubic feet per second for the Wabash River.

d. Water Quality Limited or Technology Limited

Because of the wide variation in the sizes of the receiving streams there are cases of both conditions.

3. Description of Operations

Coal mining and/or coal preparation and/or reclamation operations eligible for this general permit include, undetermined mine drainage, undetermined coal preparation plant and associated areas drainage, alkaline mine drainage and coal preparation plant and associated areas drainage, acid mine drainage and coal preparation plant and associated areas drainage, and reclamation area drainage. A description of each operation follows:

a. Undetermined Mine Drainage

This category is for new coal mining operations which are not yet classified as having either alkaline or acid mine drainage in accordance with the definitions contained in 40 CFR Part 434.11. Such discharges are initially given the effluent limitations for alkaline mine drainage since most coal mines in Indiana are alkaline.

b. Undetermined Coal Preparation Plant and Association Areas Drainage

This category is for new coal processing plants which are not yet classified as having either alkaline or acid drainage in accordance with the definitions contained in 40 CFR Parts 434.22 and 434.23. They are initially given the effluent limitations for acid coal preparation plant and associated areas drainage because coal preparation plant drainage has a high potential for being acidic.

c. Alkaline Mine Discharge and Coal Preparation Plant and Associated Areas Drainage.

This category is for active coal mines and coal preparation plants and associated areas, which have been determined to have alkaline drainage in accordance with the definitions contained in 40 CFR Parts 434.11, 434.22, and 434.23.

d. Acid Mine Drainage and Coal Preparation Plant and Associated Areas Drainage

This category is for active coal mines and coal preparation plants and associated areas which have been determined to have acid drainage in accordance with the definitions contained in 40 CFR Parts 434.11, 434.22, and 434.23.

e. Reclamation Area Drainage

This category is for coal mines and coal preparation plants and associated areas which have become reclamation areas in accordance with the definition contained in 40 CFR Part 434.11.

4. Effluent Limitations Rationale

a. Total Suspended Solids

The effluent limitations for total suspended solids are based on the corresponding effluent limitations found in 40 CFR Parts 434.22, 434.25, 434.30, 434.35, 434.42, 434.45, 434.52, and 434.55.

b. Total Iron

The effluent limitations for total iron are based on the corresponding effluent limits found in 40 CFR Parts 434.23, 434.25, 434.33, 434.35, 434.43, 434.45, 434.53, 434.55, and 434.63.

c. Total Manganese

The effluent limitations for total manganese are based on the corresponding effluent limits found in 40 CFR Parts 434.23, 434.25, 434.33, 434.35, 434.53, and 434.55, 434.63, and 434.64.

d. Settleable Solids

The effluent limitations for settleable solids are based on the corresponding effluent limitations found in 40 CFR, Parts 434.53, 434.55, 434.63, and 434.64.

e. pH

The effluent limitations for pH are based on Indiana Water Quality Standards and 40 CFR Part 434.

f. Effluent Limitations for Precipitation Events

The effluent limitations for precipitation events are based on 40 CFR Part 434.63 and the response to comments found in the Federal Register, Volume 50, No. 196 dated Wednesday, October 9, 1985. U.S. EPA and the State of Indiana have determined that these limits are not applicable to discharges which occur during dry weather base flow.

5. Monitoring Requirements

a. Sampling Frequency

i. Alkaline Drainage

Minimum sampling frequency shall be twice per month for flow, pH, total suspended solids, and total iron. Sampling for influent pH and influent total iron shall be once each month for undetermined mine drainage.

ii. Acid Drainage

Minimum sampling frequency shall be once per week for flow, pH, total suspended solids, total iron, and total manganese. Sampling for influent pH and influent total iron shall be once each month for undetermined coal preparation plant and associated areas drainage..

iii. Reclamation Area Drainage

For initial reclamation areas, which have not received the revegetation bond release, the minimum sampling frequency for flow, pH, and settleable solids is once every three months plus once each month between the months of March through June. For final reclamation areas, which have received the revegetation bond release, the minimum sampling frequency for flow, pH, and settleable solids is once every six months.

b. Aluminum, Copper, Nickel, and Zinc

When the untreated wastewater to a particular outfall is determined to be acid, the effluent from that outfall is sampled for aluminum, copper, nickel, and zinc for one year to determine if significant quantities of these metals are present. If it is determined that the effluent contains significant amounts of any of these metals, than that particular mine is no longer eligible for inclusion in this general permit and the discharges from that mine will be permitted by an individual NPDES permit.

c. Precipitation Events

In order to qualify for the alternate effluent limitations for precipitation events, the permittee must first establish the "Dry Weather Base Flow" which is defined as the normal base flow coming from an area or treatment facility which is not immediately affected by runoff caused by rainfall. The permittee shall state on an attachment to the monthly reporting form which samples were taken under the alternate effluent limitations, the duration of the precipitation event, and the amount of precipitation during the event. Failure to submit the necessary information with the monitoring report will disqualify the discharger from utilizing the alternate effluent limitations.

4. Expiration Date

This permit is proposed to be in effect for five years.